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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,610	09/26/2000	Denny Jaeger	4143	4665

7590 01/03/2007

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EXAMINER	
NGUYEN, HAU H	
ART UNIT	PAPER NUMBER
2628	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/670,610	JAEGER ET AL.	
	Examiner	Art Unit	
	Hau H. Nguyen	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *03* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 October 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-112* is/are pending in the application.

4a) Of the above claim(s) *1-93,96,98,100,101,105-107 and 112* is/are withdrawn from consideration.

5)☒ Claim(s) *94,95,99,102-104 and 108-111* is/are allowed.

6)☒ Claim(s) *97* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The response filed on 10/11/2006 has been fully considered in preparing for this Office Action.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claim 97 is rejected under 35 U.S.C. 103(a) as being unpatentable over Selig et al. (U.S. Patent No. 6,492,978) in view of Varveris (U.S. Patent No. 6,249,277).

Referring to claim 97, as cited above, Selig et al. teach a system for providing input to a touch screen including a plurality of devices for interacting with the touch screen, each device including a base member 24b and means for securing the base member 24b to the touch screen 16 (retainer 30), and means associated with the base member for provoking a touch detection by the touch screen (keys 24 of the keypad 14) (Figs. 3 and 4).

Thus, Selig et al. teach all the limitations of claim 97, except that the plurality of devices are joined in a crack-and-peel sheet.

However, Varveris teaches a method for provoking input to a touch screen, wherein as shown in Fig. 1, the stylus 10 having a strap 11, the strap 11a hooks and loops type fastener (such as Velcro® material) (col. 3, lines 60-67, and col. 4, lines 1-3) (crack-and-peel sheet).

Therefore, it would have been obvious to one skilled in the art to utilize the method as taught by Varveris in combination with the method as taught by Selig et al. such that the plurality of devices interacting with the touch screen are joined in a crack-and-peel sheet so that the touch screen can accept plurality of inputs.

Response to Arguments

Applicant's arguments filed 10/11/2006 with respect to the rejection of claim 97 have been fully considered but they are not persuasive. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this instant case, the examiner does not rely solely on any cited references, but rather on the combination of the teachings. In particular, Selig et al. teach a system wherein a plurality of input devices (joined together in the form of a keypad) interacting with the touch screen including a base member and a means for securing the base member to the touch screen (the feature "*eliminating the need for a retainer frame/bezel...*," as argued by Applicant, is not claimed), and means for provoking a touch detection by the touch screen as cited above. Varveris teaches an input device, ***which can be contained in a touch screen*** (see col. 2, lines 54-62) (thus can include a bottom release layer, *and capably mounted on a touch screen*), having a base member ("strap" portion), which can be made entirely of plastic "Velcro" material, or of rubber, leather, or fabric with Velcro material or other separable fastener at the ends (crack and peel sheet). Therefore, it would have been obvious to utilize the method of using the "crack and peel sheet" as taught by Varveris in combination with the method of providing plurality of input

devices to the touch screen as taught by Selig et al. so that multiple input devices can interact with the touch screen and that each of the input devices can be affixed and removed from the touch screen.

Allowable Subject Matter

4. Claims 94, 95, 99, 102-104, 108-111 are allowed.

Reasons for Allowable Subject Matter

5. The following is an examiner's statement of reasons for allowable subject matter:

The prior art taken singly or in combination does not teach or suggest, a device for providing input to a generally flat touch screen, among other things, comprising:

a base member including a longitudinally extending rib having a bottom surface adapted to impinge on the touch screen, a fader cap secured to the rib, a stylus tip extending from said cap toward the touch screen (claims 94, 95);

a base member comprising a post having a bottom surface adapted to impinge on the touch screen, a knob cap secured coaxially to said post and adapted for rotation about a common axis, a stylus tip extending from the knob cap toward the touch screen (claim 99);

a software means interpreting a linear touch pattern at any angle from the center point, and the rate of movement of graphics is set by the software (claim 102);

a software means interpreting a linear touch pattern at any angle from the center point, and the rate of movement of graphics is proportional to the amount of time that a touch detection is maintained at any given angle (claim 103);

a software means interpreting a touch detection displaced from the center point at an angle thereabout as a command to move a cursor at the same angle on the display (claim 104);

a membrane extending radially from the control rod to the base member, the membrane formed of an elastic, resilient web (claim 108);

a spindle including radial teeth, and the flexible track includes a toothed surface adapted to engage the radial teeth (claim 109);

a motor means for driving the spindle to extend and retract the flexible track with respect to the peripheral edge of the touch screen (claim 110);

a fader cap including touch switch means for connecting the battery to the touch signal generator means in response to fingertip touch on the fader cap (claim 111).

The cited prior art does not teach the above mentioned features.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau H. Nguyen whose telephone number is: 571-272-7787. The examiner can normally be reached on MON-FRI from 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on (571) 272-7794.

The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system contact the Electronic Business Center (EBC) at 866-2 17-9197 (toll-free).

H. Nguyen

12/19/2006